



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

MICHELE ROWELL,	§	
Plaintiff,	§	
	§	
vs.	§	
	§	CIVIL ACTION NO. 4:21-3664-MGL-KDW
	§	
	§	
HELPING HANDS FREE MEDICAL CLINIC	§	
and SCHINITRA SWINNEY,	§	
Defendants.	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THE ACTION WITHOUT PREJUDICE**

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Plaintiff Michelle Rowell (Rowell) a self-represented litigant, filed this lawsuit against the above-named defendants. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the Court dismiss the action with prejudice based on the Court's lack of jurisdiction. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 1, 2021, and Rowell filed her objections on December 8, 2021. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

This Court need not conduct a de novo review of the record “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The Court reviews the Report and Recommendation only for clear error in the absence of specific objections. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record to accept the recommendation.”) (citation omitted).

Here, Rowell has wholly failed to bring any specific objections to the Report. Instead, she offers nothing more than non-specific objections. Inasmuch as the Court agrees with the Magistrate Judge’s analysis in her comprehensive and well-reasoned Report, it need not repeat the discussion here. Consequently, because Rowell neglects to make any specific objections, and the Court has found no clear error, it need not make a de novo review of the record before overruling Rowell’s objections and accepting the Magistrate Judge’s recommendation that Rowell’s action be dismissed, except that the Court will dismiss the action without prejudice, not with prejudice. This is so Rowell can file this lawsuit in state court if she wishes to do so.

Further, inasmuch as the Magistrate Judge warned Rowell of the consequences of failing to file specific objections, Report at 6, she has waived appellate review. *See Howard v. Sec’y of Health*

*& Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991) (holding general objections are insufficient to preserve appellate review).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Rowell's objections, adopts the Report to the extent it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of the Court that this action is **DISMISSED WITHOUT PREJUDICE** so that Rowell can file it in state court if she wishes to do so.

**IT IS SO ORDERED.**

Signed this 22nd day of December, 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.